

Foothill Transit Executive Board

MINUTES

The regular meeting of the Foothill Transit Executive Board was held Friday, July 25, 2008, at the Foothill Transit Board Room, 2nd Floor, 100 South Vincent Avenue, West Covina.

President Delach called the meeting to order at 8:01 a.m. The following members were present, constituting a quorum of the Executive Board:

Peggy Delach, President
Michael De La Torre, Vice President
Paula Lantz
Roger Chandler
Lola Storing

Staff and Guests present:

Doran Barnes, Executive Director
Kevin McDonald, Deputy Executive Director
Darold Pieper, General Counsel
Lee Millen, Deputy Secretary
John Fasana, MTA Board Member
Jaime Becerra, Director of Safety & Security
Richard Hasenhorl, Director of Finance
David Reyno, Director of Government Relations
Linda Somilleda, Director of Marketing & Communications
Dietter Aragon, Planning Manager
Araceli Lopez, Transit Stores Operation Manager
Peter Greenberg, General Manager
Wayne Fritz, General Manager
Doug Tessitor, Councilman, Glendora
Paula Faust, Administrative and Finance Manager, Metro

PLEDGE OF ALLEGIANCE

President Delach led those present in the Pledge of Allegiance.

APPROVAL OF MINUTES FOR THE REGULAR MEETING OF JUNE 27, 2008

The minutes listed above were approved as submitted, with the following correction:

On Page 5, under Congestion Reduction Demonstration Initiative, change, "...voted to adopt a support position..." to **"...voted on a motion to adopt a support position..."**

Motion: Member De La Torre, seconded by Member Storing
Vote: Unanimously carried

PRESENTATIONS:

Recognition of outgoing Executive Board Member John Fasana

Doran Barnes, Executive Director, presented Mr. Fasana a replica of an art piece from a Foothill Transit project in recognition of his tireless dedication as an Executive Board member of seven years. Mr. Fasana will continue as a member of the Governing Board.

Mr. Fasana thanked Mr. Barnes, the members of the Executive Board and his Cluster. Foothill Transit continues to lead the County in providing the finest public transportation in Southern California.

Contractors' Employee Recognition

Wayne Fritz, General Manager, introduced and recognized the Arcadia location MV Transportation Operator & Employee of the Month: Brenda Williams, Operator of the Month, who has been with Foothill Transit for six years; and Maria Maldonado, Employee of the Month, who has been with Foothill Transit for four and half years.

Peter Greenberg, General Manager, introduced and recognized the Pomona location First Transit Operator of the Month: Carol Criss, Operator of the Month, who has been with Foothill Transit for three years.

The Executive Board commended the awardees.

PUBLIC COMMENT

Daniel Torres, City of Claremont, reported that due to his disability he is greatly affected by Line 187 route changes. Foothill Transit's response concerning the 187's rerouting was disappointing; there are not enough passengers to justify keeping the route. Consequently, he has to make arrangements with Access Services a day in advance, which is a major inconvenience for him.

Rosa Ramirez, City of Claremont, concurred with Mr. Torres' complaints regarding Line 187.

CONSENT CALENDAR:

The Executive Board adopted Consent Calendar items 7 through 12.

Motion: Member De La Torre, seconded by Member Storing
Vote: Unanimously carried

REGULAR AGENDA:

CUSTOMER SATISFACTION SURVEY RESULTS

Linda Somilleda, Director of Marketing and Communications, presented the Customer Satisfaction Survey Results report to the Executive Board.

In March, Foothill Transit entered into a contract with Moore & Associates to conduct a customer satisfaction survey. The research included a comprehensive view of the general market, including rider and non-rider attitudes about and awareness of Foothill Transit; a determination of Foothill Transit's market penetration; an evaluation of overall travel choices; a determination of media usage and popular information sources and; identification of potential characteristics.

Two on-board intercept surveys were conducted; one on Silver Streak service and one on Commuter Express Service. A telephone survey was also conducted. An outline of the survey objectives and findings is outlined in Attachment A. (Copy on file).

The results of this survey will be used as a reference tool to develop and expand the agency's overall marketing and communications plan and strategies throughout the year. The study will also serve as a benchmark for comparison with future customer satisfaction surveys.

The results of the Silver Streak survey included:

1. More than half of the respondents identified themselves as Hispanic/Latino. A third of the surveys were filled out in Spanish.
2. 65 % of the respondents were employed with 46.5% of them using the line to commute to and from work.
3. Interestingly, 18.7% of new riders are ride-dependent, versus 28% of existing riders. This indicates Foothill Transit is attracting increasing numbers of "choice" riders.

The results of the Commuter Express survey included:

1. The survey respondents are ethnically diverse, employed full time (91.6%), highly educated 978% have some form of college or technical degree), and have moderate to high incomes (72.4% have household incomes over \$40,000 and 16% with household incomes over \$100,000).
2. Nearly 90% of Commuter Express patrons have both access to a personal vehicle and a valid driver license, so they are not ride-dependent.
3. More than 90% of Commuter Express patrons use the service three or more times a week.

The Executive Board received and filed the Survey Report, and thanked Ms. Somilleda for an enlightening report.

Motion: Member Lantz, seconded by Member De La Torre
Vote: Unanimously carried

CONGESTION REDUCTION DEMONSTRATION INITIATIVE

On April 24, 2008, the Los Angeles County Metropolitan Transportation Authority's (Metro) Board of Directors approved entering into negotiations with the USDOT for the award of \$213.6 million in FY 2007 bus and bus facility money that was originally granted to New York City, but was not obligated because the New York State Legislature did not approve a plan for congestion pricing in Manhattan. In exchange, Los Angeles County and CalTrans agree to convert High Occupancy Vehicle (HOV) lanes to High Occupancy Toll (HOT) lanes. Specific sections of interstate 10 and 210 would be converted and if additional funding becomes available, Interstate 110 would also be included. The Metro Board of Directors approved moving forward with the project by voting unanimously in favor of drawing up a Memorandum of Understanding (MOU) with the USDOT. The California State Legislature and Governor have until October 15, 2008 to approve the HOT lanes conversion.

On June 2, the USDOT notified Metro of a \$3 million reduction to the \$213.6 million due to a funding commitment included in a SAFETEA-LU Technical Corrections Bill. On June 14, a meeting of the San Gabriel State Legislature Caucus was held in West Covina to brief the public and legislators on the Initiative by representatives from Metro, CalTrans and the UCLA Department of Urban Planning as well as discuss the positive and negative impacts such toll roads may have on the San Gabriel Valley.

John Fasana, MTA Board Member, reported on the meeting with the Council of Government's Transportation Committee, wherein San Gabriel Valley's frustration with Metro regarding the Gold Line and the new sales tax measure was discussed. Mr. Fasana suggested congestion pricing as part of the overall solution to issues the San Gabriel Valley is currently facing, which he's addressed to Metro in the past.

Metro has moved the proposed funds from the 210 (Foothill) Freeway, which they were initially to be used for, to the 110 (Harbor) Freeway, which was also listed on the grant. Metro is also looking at low-income discounts for the HOT lanes, if motorists qualify for them. Congestion pricing has proven to be successful in other areas in the past and could work for the San Gabriel Valley.

Member Lantz commented that her constituents are outraged at the idea of this project, and do not appreciate Metro's approach that this will be forced to happen because they know better than we do, without any guarantee that low income riders or those with limited income will be able to get to work in the morning.

Mr. Fasana noted the new system of registration for a HOT transponder would be easier than the present system, a 20% tax discount would be beneficial to everyone, and research on carpool riders' income will be conducted. Implementation is anticipated in

2010. In addition, Mr. Fasana noted his support for Metro's initial demonstration project, his support for congestion pricing, and his opposition to a sales tax.

Chair Delach proposed drafting a letter to Metro addressing the Executive Board's concerns.

Darold Pieper, General Counsel, offered the following motions as a response for consideration:

1. Foothill Transit endorses further efforts to draw a Memo of Understanding (MOU) to the United States Department of Transportation (USDOT) to establish HOT lanes on the Interstate 10 Freeway provided that a low-income discount program is established, and Foothill Transit receives at least its proportional share of bus-purchased funding.
2. Foothill Transit supports efforts to relieve congestion on the Interstate freeways, and looks forward to working with the MTA, the Legislature and Federal Government in exploring viable alternative solutions.

Following discussion, the Executive Board adopted motion #2 to be included in its response to Metro.

Motion: President Delach, seconded by Member Lantz
Vote: Ayes: Members Chandler, Lance, Storing, Vice President De La Torre, and President Delach
Noes: None

VOLUMETRIC EXCISE TAX CREDIT – CLEAN ENERGY

Richard Hassenhorl, Director of Finance, reported that at the June 25 Executive Board meeting, the board authorized the Executive Director to take a number of actions related to Foothill Transit's agreements with Clean Energy, Foothill's Compressed Natural Gas (CNG) facility maintenance contractor. Among those actions was authorization to do either of the following:

1. Enter into negotiations with Clean Energy for a contract amendment which will provide for a 50-50 percentage split of the gross Volumetric Excise Tax Credit (VETC) Clean Energy claimed between October 1, 2006 and June 30, 2008 and that will provide that Foothill Transit's share be credited to Foothill Transit by way of an appropriate reduction in the maintenance cost at the Pomona Operations and Maintenance Facility CNG Station over a two-year period; or
2. Submit claims for the Volumetric Excise Tax Credit (VETC) and establish an escrow account to deposit any excise tax credit funds received.

Mr. Hassenhorl advised that Clean Energy has submitted a counter offer to Option #1 of a 60-30 split, with \$1.6 million additional revenue payable over a period of five and a half years. The recommendation is for the Executive Board to consider Clean Energy's counter-offer to the proposed split of the Volumetric Excise Tax Credit (VETC)

authorized by Foothill Transit's Executive Board.

Member Chandler motioned to accept the counter offer (Option #1). The motion failed due to a lack of a second.

Following discussion, the Executive Board authorized the Executive Director to exercise Option #2, contingent upon approval by the Internal Revenue Service.

Motion: Member Lantz, seconded by Vice President De La Torre

Vote: Unanimously carried

PERFORMANCE INDICATORS REPORT – FISCAL YEAR 2008

Dietter Aragon, Planning Manager, reported on the Performance Indicators Report for Fiscal Year 2008. The Report provides an analysis of Foothill Transit's nine key indicators on a month-to-month basis. Data is collected from a variety of sources such as the fareboxes on buses; contractor reported data, and financial performance data. The report's findings include:

- **Boardings** – Overall boardings recorded by the farebox for June-08 was 1,031,333. This total is 6.8 percent above June-07 ridership. For the fiscal year Foothill Transit recorded 14.9 million boardings, an increase of 2.8 percent over FY 2007 ridership.
- **Fare Revenue** – Total fare revenue for June-08 was \$1,531,395, resulting in an average fare of \$1.18 per boarding. This is an increase of 17 percent from June-07. Fiscal Year 2008 revenues of \$16.5 million represent an increase of 4.2 percent over FY 2007.
- **Operating Expenses** – Total operating expenses for June-08 was \$6,039,534, resulting in an average cost per service hour of \$94.74. This is an increase of 14.5 percent from June-07. The fiscal year operating expense was \$67.2 million, \$2.9 million less than the proposed fiscal year budget, resulting in a fiscal year cost per service hour of \$87.72.
- **Accidents** – There were seven preventable accidents in June-08 for an average of 0.58 accidents per 100,000 miles; representing one more accident than in June-07. For the fiscal year, Foothill Transit recorded an average of 0.69 accidents per 100,000 miles, well below the fiscal year target of .85.
- **Customer Complaints** – Staff recorded 8.30 complaints per 100,000 boardings for June-08, which represents a 74 percent increase in complaints from June-07. For the fiscal year, Foothill Transit averaged 8.18 complaints per 100,000 boardings, just above the performance target of 7.5. Major service changes and a fare increase within the same fiscal year contributed to this increase.
- **Schedule Adherence** – This month, 74.9 percent of all trips surveyed were

on-time. For the fiscal year, Foothill Transit fell just below the target, averaging a total of 76.8 percent on-time performance for FY 2008.

The Executive Board received and filed the Performance Indicators Report for Fiscal Year 2008.

Motion: Member Storing, seconded by Vice President De La Torre
Vote: Unanimously carried

TRANSIT STORE 2008 FISCAL YEAR REPORT

Araceli Lopez, Transit Stores Operation Manager, reported that bus pass sales for the fourth quarter were slightly higher than the same period in FY07, totaling \$1,573,577. Transit Store staff continue to maintain the average hold time at under one minute with the overall average handling time of calls at one minute 49 seconds. Total walk-in traffic was significantly higher than in FY07, totaling 85,073 in FY08.

During the fourth quarter of FY08 staff received 63,805 calls. Transit Store staff handled 42,618 phone calls maintaining the average hold time within one minute. The overall average hold time for the fourth quarter of FY 08 was 41 seconds. The overall average handling time of calls is at one minute 49 seconds.

Total sales during the fourth quarter of FY08 were slightly higher totaling \$1,573,577 compared to the same period in FY07, which totaled \$1,328,878. The increase may be attributed to the fare increase implemented earlier this year.

Total walk-in traffic recorded for all Stores this quarter was 85,073. This is a significant increase when compared to the same period in FY07, which totaled 48,686. The increase in total walk-in traffic is attributed to the repairs made to the people counters as reported in the previous quarterly report.

The Duarte Transit Store closed permanently on May 31, 2008. However, a new retail outlet was established just east of the store offering customers an alternative outlet to purchase their Foothill Transit bus pass. Staff was reassigned to other locations.

The Executive Board received and filed the Transit Stores Quarterly Report for Fiscal Year 2008.

Motion: Member Storing, seconded by Member Chandler
Vote: Unanimously carried

CONTRACTED LAW ENFORCEMENT SERVICES UPDATE

Jaime Becerra, Director of Safety & Security, reported that an agreement between Foothill Transit and the Los Angeles County Sheriff's Department to provide two dedicated forty-hour per week Sheriff's Deputies to serve as Foothill Transit's first Transit Police Detail (TPD) has been signed and ready to execute since June, 2008. The agreement has been placed on the agenda for the Los Angeles County Board of

Supervisors for review and consideration twice – only to be tabled or pulled due to the desire of one of the Supervisors to revise indemnity language in the agreement.

The agreement as currently written and approved by Foothill Transit, the Los Angeles County Sheriff's Department, and the Los Angeles County Counsel provides very strong indemnification language favoring the Los Angeles County Sheriff's Department. The agreement's indemnification and liability clauses leave much to be desired from Foothill Transit's perspective relative to negative acts and omissions, as well as performance of duty and professional standards, by Sheriff's Deputies while under contract to Foothill Transit. While this is a very "one sided" agreement in these aspects - it is now the standard contract agreement offered by the Los Angeles County Sheriff's Department for private entity contracts. The same language is written into agreements being offered to other transit agencies such as Metrolink, Los Angeles Metro, and Antelope Valley Transit.

The Board of Supervisors has asked that Legal Counsel for the Los Angeles County Sheriff's Department explore the possibility of not indemnifying Foothill Transit, and that Foothill Transit accept full responsibility as well as all liability for actions taken under the contract service. Alternative language to this effect has not yet been presented to Foothill Transit for consideration and review. The current agreement is scheduled to be presented before the Los Angeles County Board of Supervisors again on August 5th, 2008.

The Los Angeles County Sheriff's Department is continuing to provide Sheriff's Deputies to support the Foothill Transit Safety & Security on an overtime basis under the provisions of the existing supplemental services agreement.

Funds for contracted law enforcement services have been allocated in the FY 2009 Business Plan.

Member Chandler questioned what advantage this posed over transit police or calling 911, and the Sheriff's Department expensive contract cost given Foothill Transit areas low crime rate. He recommended withdrawing the contract.

Mr. Becerra reported that the Sheriff's Department isn't authorized to issue citations; at best they can issue written warnings.

Darold Pieper noted that Metrolink was not happy with the existing language, and if further changes are made by the Supervisors Metrolink would probably not support the contract. The contract is very ambiguous and places a great deal of liability on Foothill Transit. Mr. Pieper recommended that Foothill Transit withdraw the contract.

Following discussion, the Executive Board authorized the Executive Officer to withdraw the law enforcement contract from the Los Angeles County Sheriff's Department, pending further evaluation.

Motion: Member Chandler, seconded by Member Storing
Vote: Unanimously carried

EXECUTIVE DIRECTOR COMMENT

Doran Barnes announced that the next Executive Board regular meeting scheduled for August 22, 2008 has been cancelled. A special Executive Board meeting will be scheduled on August 29, 2008.

BOARD MEMBER COMMENT

President Delach reported that her travel to France visiting Veolia headquarters and the region was a lot of work and most productive.

Councilman Doug Tessitor, Executive Board Alternate, City of Glendora, and Paula Faust, Metro, were recognized.

ADJOURNMENT

There being no further business, the Executive Board adjourned at 10:05 a.m.